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OFFICE OF PETITIONS

In re Application of :
Hiromitsu Yamakawa :
Application No. 10/790,882 : DECISION GRANTING PETITION
Filed: March 3, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 25-268 :

This is a decision on the petition, filed September 21, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 17, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

In view of the nonacceptance of the Revocation of Power of Attorney and New Power of Attorney, filed September 16, 2005, a courtesy copy of this decision is being mailed to petitioner herein.² However, until the Office receives an acceptable power of attorney meeting the criteria set forth in 37 CFR 3.73(b), all future correspondence will be held with the above-noted address of record.

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

² The nonacceptance of the power of attorney has been mailed under separate cover.

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2873 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

A handwritten signature in cursive script, reading "Frances Hicks".

Frances Hicks
Petitions Examiner
Office of Petitions

CC:

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